

Appl. No. : **Unknown**
Filed : **Herewith**
Docket : **EXCEL.016REC1**

REMARKS

Claims 1-17 were pending in the application/patent. By this paper, Applicant has cancelled Claims 1-17 without prejudice, and added new Claims 18-40. Hence, Claims 18-40 are now pending in the application.

Continuation Status of Reissue Application

By this paper, Applicant has amended the specification of the present application to include reference to the present application and reissue application to which it claims priority (i.e., co-pending U.S. Ser. No. 10,408,030 filed April 3, 2003), pursuant to MPEP §§1451-1452.

New Claims and Claim Rejections

By this paper, Applicant has cancelled Claims 1-17 and added new Claims 18-40. New Claims 18-20 and 29 are effectively identical to Claims 38-40 and 41, respectively, the latter previously pending in the above referenced parent application hereto (U.S. Ser. No. 10/408,030 filed April 3, 2003), and which were rejected by the Examiner on various grounds per the Office Action of October 23, 2003 in that parent application ("Office Action"). Applicant has, contemporaneously herewith, cancelled Claims 38-41 without prejudice in that parent application.

Independent Claims 36, 39 and 40 as presented herein are new, and are believed to define novel and non-obvious subject matter over the art of record.

In response to the Examiner's substantive rejections of Claims 38-41 in the parent, which are generally similar to now pending Claims 18-20 and 29, Applicant respectfully traverses these rejections on substantive grounds.

Independent Claims 18 and 29 - In the Office Action, the Examiner rejected Claims 38-41 under 35 U.S.C. §103(a) as being obvious over Gupta (U.S. 5,025,443, hereinafter "Gupta") in view of Williamson, et al. (U.S. 6,477,249, hereinafter "Williamson"); see Pars. 3-4, pages 2-5, of the Office Action.

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Applicant notes that the invention of Williamson, teaches a switch which is actuated based on the amplitude of speech signals; see, e.g., Col. 8, lines 48-67, discussing Figs. 12 and 13. See especially lines 53-58, where it is stated:

“During low amplitude speech signals switch SW is open so that the filter comprises just the relay coil RL and capacitor C1. During high amplitude signalling switch SW closes and the filter comprises relay coil RL and a parallel combination of capacitors C1 and C2.” {Emphasis added}

In contrast to the invention of Williamson, Applicant’s claimed inventions causes the switch to close in response to DC current generated by the connected device (e.g., telephone) going off-hook. See, e.g., Col. 10, lines 45-52 of Applicant’s specification, which states:

“In use, when a telephone set goes "off-hook" DC loop current will flow which creates a DC magnetic field in the first and second winding inductors W1,W2. This will cause only the reed switch K1 of the filter circuit 59b connected to the "off-hook" telephone set to become actuated or closed by the DC magnetic field. As a consequence, the shunt additive capacitances from all of the filter circuits connected to the "on-hook" phones have been eliminated.” {Emphasis added}

See also Col. 2, lines 5-16 of Applicant’s specification (U.S. 6,212,259), wherein one of the disabilities of the prior art which the above-referenced feature is intended to overcome (e.g., resonance effect during transitions) is described.

Hence, the invention of Williamson uses the switch in the open position during “low amplitude” voice operations, and closes the switch in response to “high amplitude signaling”. Williamson in no way teaches or suggests actuating the switch in response to DC loop current, such as e.g., would occur entering the “off-hook” state; rather, Williamson closes the switch for a very different purpose.

Therefore, Applicant submits that not only is there not any suggestion to combine these references, but further that Williamson clearly *teaches away* from combination with Gupta to produce Applicant’s claimed invention(s) in that Williamson teaches having the switch open under low-amplitude voice traffic, as opposed to closing the switch under off-hook conditions.

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Therefore, Applicant respectfully submits that the Examiner's combination of Williamson with Gupta to produce the claims is not supported, thereby overcoming the §103 rejections.

Since Claims 19-28 and 30-35 depend either directly or indirectly from Claims 18 and 29, respectively, Applicant submits that these claims are also in condition for allowance.

Applicant also submits that new Claims 36-40 define patentable subject matter, in that they are both novel and non-obvious over the art of record.

Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different scope in a reissue continuation or reissue divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change, adoption, or narrowing in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner in past or present applications, based on such cancellations or additions.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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